IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 854 of 2005

Between:

K. Raghava, Proprietor, M/s. Pratap Art Productions,
Road No.13, Film Nagar Housing Co-operative Society, Jubilee Hills, Hyderabad.

..... PETITIONER

AND

1 Govt. of A.P.,

rep. by its Secretary to Govt. (Poll),

General Administration (I&PR) Department,
Secretariat, Hyderabad.

2 Andhra Pradesh State Film Television &

Theatre Development Corporation Limited,

(A State Govt. Undertaking),
10-2-1, FDC Complex, A.C. Guards,

Hyderabad, rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order or Writ more particularly one in the nature of Writ of Mandamus, declaring the demand notice bearing No. FDC/REC/PAP/2005, dated 12th January, 2005 issued by the 2nd Respondent, as illegal, arbitrary, unjust, unreasonable, opposed to the principles of Natural Justice, discriminatory and violative of fundamental rights guaranteed under the Constitution of India and set aside the same while declaring that the petitioner is not liable to pay any amount and pass such other order or orders as this Honourable Court may deem fit and proper in the interest of justice and in the circumstances of the case.

Counsel for the Petitioner:MR.P.PURUSHOTHAM REDDY

Counsel for the Respondent No.1: GP for GAD
Counsel for the Respondent No.2: MR.A.K.JAYAPRAKASH RAO

The Court at the admission stage made the following :

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ORDER:

The writ petition is filed with a prayer to declare the demand notice bearing No.FDC/REC/PAP/2005, dated 12-01-2005, issued by the second respondent as illegal and arbitrary.

2. In pursuance of the directions given by a Division Bench of this Court, the petitioner seems to have given a representation dated 16-11-2004. In pursuance thereof, the second respondent passed an order dated 04-12-2004. Though the representation of the petitioner dated 16-11-2004 was referred therein, no action was taken. Admittedly, it is for the first respondent to take appropriate decision, but not by the second respondent. It is contended by the learned counsel for the petitioner that though it is for the first respondent to take appropriate decision, the petitioner has made a representation on 16-11-2004 to the second respondent. He also contended that the petitioner gave a representation to the Government-first respondent only on 13-12-2004. Since the representation of the petitioner was made to the Government-first respondent on 13-12-2004, an appropriate decision has to be taken by the first respondent in accordance with law.

3. In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the first respondent to dispose of the representation dated 13-12-2004 within a period of 10 days from the date of receipt of a copy of this order.

4. Accordingly, the writ petition is disposed of. No order as to costs.

K.C.BHANU,J

Date:15-02-2005

Prv

To

1 The Secretary to Govt.(Poll).,

General Administration (I&PR) Department,
Secretariat, Hyderabad.

2 The Managing Director,

Andhra Pradesh State Film Television &

Theatre Development Corporation Limited,

(A State Govt. Undertaking),
10-2-1, FDC Complex, A.C. Guards, Hyderabad.

3 2 CD copies

4 Two CCs to the Government Pleader for GAD, High Court Buildings,

Hyderabad (OUT).